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04676.105055

\$1614
#5
NW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lee K. Hoong *et al.*

Serial No.: 09/815,262

Art Unit: 1614

Filed: March 11, 2001

Examiner: Unknown

For: Thioketals and Thioethers for Inhibiting the Expression of VCAM-1

Assistant Commissioner for Patents
Washington, DC 20231

RECEIVED

MAY 08 2002

TECH CENTER 1600/2900

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a)

Sir:

Pursuant to 37 C.F.R. 1.48(a), Applicants herewith petition that James A. Sikorski be added as an inventor in the above-identified patent application. The currently-named inventors are Patricia K. Somers, Lee K. Hoong, and Charles Q. Meng.

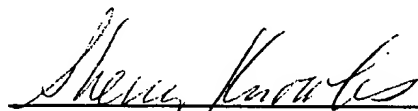
Appended hereto is a Statement of Facts executed by Patricia K. Somers, Lee K. Hoong, James A. Sikorski, and Charles Q. Meng establishing that an inadvertent error was made without deceptive intent by failing to name James A. Sikorski as an inventor.

The assignee, AtheroGenics, Inc., has consented to the correction of the named inventors to add James A. Sikorski as an inventor.

Also appended hereto is a Declaration for Patent Application executed by Patricia K. Somers, Lee K. Hoong, James A. Sikorski, and Charles Q. Meng.

Applicants also enclose a check in the amount of \$130.00, the fee for filing this petition set forth in 37 C.F.R. 1.17(h). The Assistant Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account 11-0980.

Respectfully submitted,



Sherry M. Knowles
Reg. No. 33,052

KING & SPALDING
191 Peachtree Street
Atlanta, GA 30303
404-572-2882 (Telephone)
404-572-5145 (Facsimile)



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ORIGINALLY FILED

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a), along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Sherry M. Knowles

Date: March 14, 2002

File No.: ATH114 (04676.105055)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lee K. Hoong *et al.*

Serial No.: 09/815,262

Art Unit: 1614

Filed: March 11, 2001

Examiner: Unknown

For: Thioketals and Thioethers for Inhibiting the Expression of VCAM-1

Assistant Commissioner for Patents
Washington, DC 20231

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STATEMENT OF FACTS

Sir:

1. The above-identified application was filed on March 11, 2001.
2. The application named Patricia K. Somers, Lee K. Hoong, and Charles Q. Meng as joint inventors.
3. A review of the inventorship of the application determined that Patricia K. Somers, Lee K. Hoong, James A. Sikorski, and Charles Q. Meng are joint inventors of the subject matter presented in this application.
4. James A. Sikorski was not named as a joint inventor when the application was filed.
5. The error in failing to name James A. Sikorski as a joint inventor of the claimed subject matter was inadvertent and occurred without deceptive intent on the part of the undersigned.
6. The undersigned Declarants further declare that all statements made hereon of their own knowledge are true and that all statements made on information and belief are believed to be true and further that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18

U.S.S.N. 09/815,262
Filed: March 11, 2001
STATEMENT OF FACTS

of the United States Code and that such willful false statements may jeopardize the validity of
the application and any patent issuing thereon.

1/31/02
Date

2/4/02
Date

2/6/02
Date

2/5/02
Date

Patricia K. Somers
Patricia K. Somers

Lee K. Hoong
Lee K. Hoong

James A. Sikorski
James A. Sikorski

Charles Q. Meng
Charles Q. Meng



COPY OF PAPERS
ORIGINALLY FILED

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MAY 08 2002

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lee K. Hoong *et al.*

Serial No.: 09/815,262

Art Unit: 1614

Filed: March 11, 2001

Examiner: Unknown

For: Thioketals and Thioethers for Inhibiting the Expression of VCAM-1

Assistant Commissioner for Patents
Washington, D.C. 20231

CONSENT TO CORRECT NAMED INVENTOR

Sir:

The Assignee of the entire interest of the above-identified application, AtheroGenics, Inc., consent to correct the inventorship of the above-identified patent application to name James A. Sikorski as a joint inventor.

The undersigned has reviewed the enclosed Assignment of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in AtheroGenics, Inc.

The undersigned (whose title is supplied below) is empowered to act on behalf of the Assignee, AtheroGenics, Inc.

Martin A. Wasserman

Name: Martin A. Wasserman, Ph.D.

Title: Vice President of Research and Chief Scientific Officer , AtheroGenics, Inc.



DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. 04676.105055(ATH114US)

In re Application of: **Patricia K. Somers, Lee K. Hoong, James A. Sikorski, and Charles Q. Meng.**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Thioketals and Thioethers for Inhibiting the Expression of VCAM-1**, which was filed on March 21, 2001 as U.S. Application No. 09/815,262.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC</u>
None		Yes	No <u>X</u>

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/191,046</u>	<u>March 21, 2000</u>		
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
-------------------------------	--------------------	---

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.



POWER OF ATTORNEY: The following are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Sherry M. Knowles-33,052; W. Scott Petty-35,645; Clark G. Sullivan-36,942; Holmes J. Hawkins-38,913; Steven P. Wigmore-40,447; Lisa K. Norton-44,977; Charles E. Peeler-45,004; Joseph M. Bennett-Paris-47,226; Shane A. Nichols-43,836; Bob Neufeld-48,394; Josephine Young 48,308; Bill Isaacs-44,165.

Send correspondence to: **King & Spalding**, Customer No. 20786
4600

191 Peachtree Street, N.E., 45th Floor
Atlanta, Georgia 30303

Direct telephone calls at (404) 572-

Sherry M. Knowles

Full name of third inventor: Patricia K. Somers

Citizenship: US

Inventor's signature

Patricia K. Somers

Date:

1/31/02

Residence and Post Office Address: 201 Yale Way, Fort Collins, Colorado 80525

Page 2 of 2

MAY 02 2002

PATENT & TRADEMARK OFFICE

DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. 04676.105055(ATH114US)

In re Application of: Patricia K. Somers, Lee K. Hoong, James A. Sikorski, and Charles Q. Meng.

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Thioketals and Thioethers for Inhibiting the Expression of VCAM-1**, which was filed on March 21, 2001 as U.S. Application No. 09/815,262.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

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<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC</u>
None		Yes	No <u>X</u>

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/191,046</u>	<u>March 21, 2000</u>		
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<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>

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0.15-2002
MAY 02 2002
PATENT & TRADEMARK
POWER OF ATTORNEY: The following are hereby appointed to prosecute this application and transact business in the Patent and Trademark Office connected therewith: Sherry M. Knowles-33,052; W. Scott Petty-35,645; Clark G. Sullivan-36,942; Holmes J. Hawkins-38,913; Steven P. Wigmore-40,447; Lisa K. Norton-44,977; Charles E. Peeler-45,004; Joseph M. Bennett-Paris-47,226; Shane A. Nichols-43,836; Bob Neufeld-48,394; Josephine Young 48,308; Bill Isaacs-44,165.

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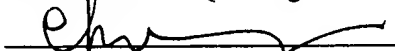
191 Peachtree Street, N.E., 45th Floor
Atlanta, Georgia 30303

Sherry M. Knowles

Full name of first inventor: Charles Q. Meng

Citizenship: Canada

Inventor's signature



Date:

2/5/02

Residence and Post Office Address: 725 Northerden Court, Alpharetta, Georgia 30005

Page 2 of 2

OIP E-Service
MAY 02 2002
PATENT & TRADEMARK

DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. 04676.105055(ATH114US)

In re Application of: Patricia K. Somers, Lee K. Hoong, James A. Sikorski, and Charles Q. Meng.

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Thioketals and Thioethers for Inhibiting the Expression of VCAM-1**, which was filed on March 21, 2001 as U.S. Application No. 09/815,262.

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<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC</u>
None			Yes _____ No <u>X</u>

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/191,046</u>	<u>March 21, 2000</u>		
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

017-118
MAY 02 2002
PATENT & TRADEMARK OFFICE

POWER OF ATTORNEY: The following are hereby appointed to prosecute this application and transact business in the Patent and Trademark Office connected therewith: Sherry M. Knowles-33,052; W. Scott Petty-35,645; Clark G. Sullivan-36,942; Holmes J. Hawkins-38,913; Steven P. Wigmore-40,447; Lisa K. Norton-44,977; Charles E. Peeler-45,004; Joseph M. Bennett-Paris-47,226; Shane A. Nichols-43,836; Bob Neufeld-48,394; Josephine Young 48,308; Bill Isaacs-44,165.

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Atlanta, Georgia 30303

Direct telephone calls at (404) 572-

Sherry M. Knowles

Full name of third inventor: James A. Sikorski

Citizenship: US

Inventor's signature

James A. Sikorski

Date:

1/22/02

Residence and Post Office Address: 9970 Hunt Club Way, Alpharetta, GA 30022 US



DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. 04676.105055(ATH114US)

In re Application of: **Patricia K. Somers, Lee K. Hoong, James A. Sikorski, and Charles Q. Meng.**

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<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC</u>		
None			Yes	No	X

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>60/191,046</u>	<u>March 21, 2000</u>		
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

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POWER OF ATTORNEY: The following are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Sherry M. Knowles-33,052; W. Scott Petty-35,645; Clark G. Sullivan-36,942; Holmes J. Hawkins-38,913; Steven P. Wigmore-40,447; Lisa K. Norton-44,977; Charles E. Peeler-45,004; Joseph M. Bennett-Paris-47,226; Shane A. Nichols-43,836; Bob Neufeld-48,394; Josephine Young 48,308; Bill Isaacs-44,165.

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191 Peachtree Street, N.E., 45th Floor
Atlanta, Georgia 30303

Direct telephone calls at (404) 572-4600

Sherry M. Knowles

Full name of second inventor: Lee K. Moong

Citizenship: Malaysia

Inventor's signature

Date:

2/6/02

Residence and Post Office Address: 220 Games Oak Way, Suwanee, Georgia 30024

Page 2 of 2

ASSIGNMENT

WHEREAS, WE, PATRICIA K. SOMERS, LEE K. HOONG, JAMES A. SIKORSKI, AND CHARLES Q. MENG have invented certain improvements in "*Thioesters for Inhibiting the Expression of VCAM-1*" for which we have executed United States provisional application no. 60/191,046 which was filed on March 21, 2000 and U.S. application no. 09/815,262 entitled "Thioketals and Thioethers for Inhibiting the Expression of VCAM-1" which was filed on March 21, 2001; and

WHEREAS, ATHEROGENICS, INC., a Georgia corporation having an office at 8995 Westside Parkway, Alpharetta, GA 30004, desires to purchase same;

NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration paid by ATHEROGENICS, INC., the receipt and sufficiency of which are hereby acknowledged, I, PATRICIA K. SOMERS, have sold, assigned, transferred and conveyed and by these presents do hereby sell, assign, transfer and convey unto ATHEROGENICS, INC., in and for the United States and its territories and for foreign countries, the entire right, title and interest in and to said provisional application and said application for United States Letters Patent, in and to the invention therein set forth and in and to any patent which may issue on said application for United States Letters Patent or any application, reissue, renewal, division, continuation or continuation-in-part thereof; or any foreign or international (PCT) counterpart thereof or any other application that claims priority to the above-application, and I hereby bind myself, my heirs, legal representatives, administrators and assigns properly to execute without further consideration, any and all applications, petitions, oaths and assignments or other papers and instruments which may be necessary in order to carry into full force and effect the sale, assignment, transfer and conveyance hereby made or intended to be made.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 31st day of

January, 2002.

Patricia K. Somers

PATRICIA K. SOMERS

On this 31st day of January, 2002, before me, a notary public, came Patricia K. Somers, to me known and known to be the individual described in and who executed the foregoing assignment, and he duly acknowledged the same to be his free act and deed.

Melisa Clark

Notary Public

My commission expires: Dec. 8, 2004

(SEAL)



My Commission Expires 12/08/04


ASSIGNMENT

WHEREAS, WE, PATRICIA K. SOMERS, LEE K. HOONG, JAMES A. SIKORSKI, AND CHARLES Q. MENG have invented certain improvements in "*Thioesters for Inhibiting the Expression of VCAM-1*" for which we have executed United States provisional application no. 60/191,046 which was filed on March 21, 2000 and U.S. application no. 09/815,262 entitled "*Thioketals and Thioethers for Inhibiting the Expression of VCAM-1*" which was filed on March 21, 2001; and

WHEREAS, ATHEROGENICS, INC., a Georgia corporation having an office at 8995 Westside Parkway, Alpharetta, GA 30004, desires to purchase same;

NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration paid by ATHEROGENICS, INC., the receipt and sufficiency of which are hereby acknowledged, I, LEE K. HOONG, have sold, assigned, transferred and conveyed and by these presents do hereby sell, assign, transfer and convey unto ATHEROGENICS, INC., in and for the United States and its territories and for foreign countries, the entire right, title and interest in and to said provisional application and said application for United States Letters Patent, in and to the invention therein set forth and in and to any patent which may issue on said application for United States Letters Patent or any application, reissue, renewal, division, continuation or continuation-in-part thereof; or any foreign or international (PCT) counterpart thereof or any other application that claims priority to the above-application, and I hereby bind myself, my heirs, legal representatives, administrators and assigns properly to execute without further consideration, any and all applications, petitions, oaths and assignments or other papers and instruments which may be necessary in order to carry into full force and effect the sale, assignment, transfer and conveyance hereby made or intended to be made.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6 day of
February, 2002.



LEE K. HOONG

On this 6 day of February, 2002, before me, a notary public, came
Lee K. Hoong, to me known and known to be the individual described in and who
executed the foregoing assignment, and he duly acknowledged the same to be his free act and deed.



Notary Public

(SEAL)

My commission expires: Feb. 3, 2004

Notary Public, Gwinnett County, Georgia
My Commission Expires February 3, 2004

ASSIGNMENT

WHEREAS, WE, PATRICIA K. SOMERS, LEE K. HOONG, JAMES A. SIKORSKI, AND CHARLES Q. MENG have invented certain improvements in "*Thioesters for Inhibiting the Expression of VCAM-1*" for which we have executed United States provisional application no. 60/191,046 which was filed on March 21, 2000 and U.S. application no. 09/815,262 entitled "Thioketals and Thioethers for Inhibiting the Expression of VCAM-1" which was filed on March 21, 2001; and

WHEREAS, ATHEROGENICS, INC., a Georgia corporation having an office at 8995 Westside Parkway, Alpharetta, GA 30004, desires to purchase same;

NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration paid by ATHEROGENICS, INC., the receipt and sufficiency of which are hereby acknowledged, I, JAMES A. SIKORSKI, have sold, assigned, transferred and conveyed and by these presents do hereby sell, assign, transfer and convey unto ATHEROGENICS, INC., in and for the United States and its territories and for foreign countries, the entire right, title and interest in and to said provisional application and said application for United States Letters Patent, in and to the invention therein set forth and in and to any patent which may issue on said application for United States Letters Patent or any application, reissue, renewal, division, continuation or continuation-in-part thereof; or any foreign or international (PCT) counterpart thereof or any other application that claims priority to the above-application, and I hereby bind myself, my heirs, legal representatives, administrators and assigns properly to execute without further consideration, any and all applications, petitions, oaths and assignments or other papers and instruments which may be necessary in order to carry into full force and effect the sale, assignment, transfer and conveyance hereby made or intended to be made.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 4th day of February, 2002.

James A. Sikorski
JAMES A. SIKORSKI

On this 4th day of February, 2002, before me, a notary public, came James A. Sikorski, to me known and known to be the individual described in and who executed the foregoing assignment, and he duly acknowledged the same to be his free act and deed.

Angela Chapman
Notary Public

(SEAL)

My commission expires: Feb. 3, 2004

Notary Public, Gwinnett County, Georgia
My Commission Expires February 3, 2004

ASSIGNMENT

WHEREAS, WE, PATRICIA K. SOMERS, LEE K. HOONG, JAMES A. SIKORSKI, AND CHARLES Q. MENG have invented certain improvements in "*Thioesters for Inhibiting the Expression of VCAM-1*" for which we have executed United States provisional application no. 60/191,046 which was filed on March 21, 2000 and U.S. application no. 09/815,262 entitled "*Thioketals and Thioethers for Inhibiting the Expression of VCAM-1*" which was filed on March 21, 2001; and

WHEREAS, ATHEROGENICS, INC., a Georgia corporation having an office at 8995 Westside Parkway, Alpharetta, GA 30004, desires to purchase same;

NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration paid by ATHEROGENICS, INC., the receipt and sufficiency of which are hereby acknowledged, I, CHARLES Q. MENG, have sold, assigned, transferred and conveyed and by these presents do hereby sell, assign, transfer and convey unto ATHEROGENICS, INC., in and for the United States and its territories and for foreign countries, the entire right, title and interest in and to said provisional application and said application for United States Letters Patent, in and to the invention therein set forth and in and to any patent which may issue on said application for United States Letters Patent or any application, reissue, renewal, division, continuation or continuation-in-part thereof; or any foreign or international (PCT) counterpart thereof or any other application that claims priority to the above-application, and I hereby bind myself, my heirs, legal representatives, administrators and assigns properly to execute without further consideration, any and all applications, petitions, oaths and assignments or other papers and instruments which may be necessary in order to carry into full force and effect the sale, assignment, transfer and conveyance hereby made or intended to be made.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 5th day of February, 2002.



CHARLES Q. MENG

On this 5th day of February, 2002, before me, a notary public, came Charles Q. Meng, to me known and known to be the individual described in and who executed the foregoing assignment, and he duly acknowledged the same to be his free act and deed.


Notary Public

(SEAL)

My

commission

expires: Feb. 3, 2004

Notary Public, Gwinnett County, Georgia
My Commission Expires February 3, 2004